

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
TUESDAY, FEBRUARY 26, 2002  
9 A.M.**

Commissioners Present: Bob Workman, Chair  
Bernie Heier, Vice Chair  
Kathy Campbell  
Larry Hudkins  
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Don Thomas, County Engineer  
Bruce Medcalf, County Clerk  
Trish Owen, Deputy County Clerk  
Ann Taylor, County Clerk's Office

The Staff Meeting was called to order at 9:02 a.m.

**AGENDA ITEM**

**1 APPROVAL OF THE STAFF MEETING MINUTES OF TUESDAY, FEBRUARY 19, 2002 AND THURSDAY, FEBRUARY 21, 2002**

**MOTION:** Campbell moved and Hudkins seconded approval of the Staff Meeting minutes of Tuesday, February 19, 2002 and Thursday, February 21, 2002. Stevens, Campbell, Hudkins and Workman voted aye. Heier voted aye on the minutes of February 19, 2002 and abstained on the minutes of February 21, 2002. Motion carried.

**2 ADDITIONS TO THE AGENDA**

None were stated.

**3 COUNTY LAND USE AND PLANNING ISSUES - Mike DeKalb, Planning Department**

A. Report on the Salt Creek Tiger Beetle Open House

Mike DeKalb, Planning Department, reported on the Salt Creek Tiger Beetle Open House, held February 12, 2002 at the Lower Platte South Natural Resources District (NRD) offices.

DeKalb said, in followup to a question previously posed by Hudkins, that a ban on federal endangered species listings expired in September, 2001. He added that a reallocation of resources within the U.S. Department of the Interior and the U.S. Fish and Wildlife Service may impact new listings.

Campbell asked whether relocation of the beetles is an option.

DeKalb said further study of what the beetles need to survive and repopulate is needed. He said breeding in captivity may also be an option.

In response to a question from Hudkins, DeKalb said the greatest concentration of Salt Creek Tiger Beetles is in the Arbor Lake area, with the larvae on the Salt Creek banks.

Workman said a citizen recently visited him in his office and suggested that there is a conspiracy within local government to create a north/south Wilderness Park along Little Salt Creek and was the reason the Salt Creek Tiger Beetle issue came up.

DeKalb said he believes the Salt Creek Tiger Beetle issue resulted from circumstances, not a conspiracy.

The Board scheduled a tour of the area on March 26, 2002 and invited DeKalb; Terry Genrich, Parks & Recreation Natural Resources Manager; Glenn Johnson, Lower Platte South Natural Resources District General Manager; Rick Schneider, Nebraska Game and Parks Commission; Mike Fritz, Nebraska Game and Parks Commission and Lincoln-Lancaster County Ecological Advisory Committee; and a representative from the U.S. Fish & Wildlife Service, Kearney office.

DeKalb said the next step may be to form an interlocal agreement between the City, County, Lincoln Airport Authority, Nebraska Game and Parks Commission and Nebraska Department of Roads to fund the necessary studies.

#### B. Industrial and Commercial Uses in the Agricultural (AG) Zoning District

DeKalb noted that Hudkins is interested in the ability to permit industrial and commercial uses in the Agricultural (AG) zoning district. The Planning Department recommends that it be limited to uses that are related to, or support, the agricultural base of the County. He said the current Comprehensive Plans recommends directing industrial and commercial growth to the towns. The towns have indicated that they would like this to continue and the draft of the 2025 Comprehensive Plan retains this language. DeKalb added that individuals also have the ability to seek a Change of Zone for such use.

DeKalb said in terms of the Comprehensive Plan process, the Board, or individual members, may inform the Planning Commission of the desire to be able to accommodate that type of use. He said the Board may also direct the Planning Department to draft text amendment language to the County Zoning Resolution to initiate a Change of Zone.

Campbell said she does not envision Moderate to Heavy Industrial (HI) or Commerce Centers (a mix of retail, office, services and residential uses, with some light manufacturing and warehousing in selected circumstances) in the AG area. She said the Board's questions deal more with Light Industrial (LI) or a single business.

DeKalb said the Board's policy has been to look at unforeseen circumstances that are not addressed in the Comprehensive Plan, using a list of criteria:

- Conformance to the County and relevant community Comprehensive Plans
- Distance to an incorporated community
- Availability and impact on services (roads, schools, fire, etc.)
- Existing land uses of the surrounding area
- Impact on surrounding uses
- Service by main roads (federal, state or local)
- Soil suitability
- Ecological impact
- Impact on villages, either visual or economic
- Potential impact on agricultural base of the County
- Size or scale of proposed development
- Public participation

In response to a question from Campbell, DeKalb said the County Zoning Resolution provides two umbrella packages for single businesses, other than a Change of Zone to Business (B) or Industrial (I) :

1. Use that is normal, secondary, accessory and customary to agriculture, under the definition of agriculture.
2. Home Occupation provision (Article 15, Section 15.001)

Heier said the Board needs to be prepared for vertically integrated businesses starting up in the County, such as ethanol and soy diesel plants.

Hudkins said the local subdivisions don't want these types of businesses within their confines.

DeKalb said a Change of Zone to Industrial (I) may be appropriate, due to the special nature of the business.

Hudkins said he does not understand why the metal fabrication shop that was operating illegally on North 14<sup>th</sup> Street and Rock Creek Road was "such a terrible thing to have happen". He said there was neighbor support for the business and several jobs were lost when it relocated to another county.

Campbell said the owner "did not follow the rules", which was an unfair business practice.

Hudkins repeated his request for sample language from the Planning Department to permit industrial and commercial uses in the Agricultural (AG) zoning district and said it is his intent to offer it to the Planning Commission for inclusion in the Comprehensive Plan.

DeKalb said the Board may request a text change to the Agricultural (AG) zoning district, under the Special Permit section of the County Zoning Resolution, to permit industrial and manufacturing use.

**MOTION:** Hudkins moved and Heier seconded to request the Planning Department to prepare text change language for the Board's consideration.

Campbell noted that the working draft of *General Principles for All Commercial & Industrial Uses* (see agenda packet) states Light Industrial (LI) areas should be a minimum of 50 acres in size, with larger planned districts preferred. She said such use needs to be buffered to protect the rights of neighboring landowners.

Campbell said the draft also states Light Industrial (LI) areas should generally be distributed throughout the community. Particularly, new light industrial districts should be located in new growth areas of the city. She noted that the County is going through a transition from rural to urbanization and traditional row crops to other uses and said the Comprehensive Plan needs to address that. Campbell suggested that language be included in the Light Industrial (LI) section to provide for a Special Permit and to address new agricultural uses. She said specific criteria will need to be developed to ensure that it doesn't "mish mosh" the County and take away everyone's land rights.

DeKalb language from the working draft of *General Principles for All Commercial & Industrial Uses* has been revised and incorporated into the *Lincoln and Lancaster County, Draft Prepared by the Comprehensive Plan Committee for the City-County Planning Commission, February 6, 2002* (on file in the County Clerk's Office).

Campbell and Heier both indicated that they would like additional time to review the materials.

DeKalb suggested that Hudkins, Heier and Campbell meet with him and articulate the ideas they would like to see incorporated in the Comprehensive Plan.

Pursuant to the discussion, the motion was restated as follows:

To request the Planning Department to propose language for the Comprehensive Plan that deals with light industrial or small businesses in the County.

The maker and seconded of the motion agreed to the change.

**ON CALL:** Hudkins, Heier, Campbell, Stevens and Workman voted aye. Motion carried.

### C. Acreages

#### 1. Comprehensive Plan

Campbell noted that the Comprehensive Plan Committee is recommending retention of Areas A, B and C (see Page F 73), although a minority reportedly opposed it.

DeKalb said that is correct, noting a followup report supported it.

Campbell said she does not believe Areas A, B are C are viable, as they artificially group areas without application of criteria.

DeKalb said acreage issues were so diverse that the Acreage Subcommittee could not reach a consensus on a number of issues. He said the three major issues were:

1. Acreages in the area of City growth
2. Whether to predetermine where acreages will occur
3. Performance standard versus generalized areas

Workman noted his proposal of a density, with an overlay of a point system (see Staff Meeting minutes of December 11, 2001).

DeKalb said the committee discussed his proposal, which was a zoning implementation variation of an overall point system they discussed. He said the committee liked the idea of a performance standard, but also liked the idea of knowing ahead of time where it will occur.

Workman said he believes a point system could address every situation and could be changed with experience. He suggested devising the points after the Comprehensive Plan is approved.

Campbell said she believes the Acreage Subcommittee ran out of time and so a minority plan was written. She said she believes the Board needs to take more time to review the Comprehensive Plan draft before determining whether to forward any recommendations or concerns to the Planning Commission.

DeKalb recommended doing so by March 27, 2002, the final Planning Commission public hearing date.

Workman said he believes major debate among Board members will be on the density issue.

Campbell said she supports the matrix or point system and suggested updating and assigning values to the criteria for a change of zone (see list of criteria in Item 3b).

Heier requested definitions for the following:

- Prime farm ground
- Preservation of historic sites
- Preservation of ecological areas
- Preservation of prairie
- Buffer zones

Hudkins said he keeps hearing the comment that water on the north side of the county is not as good as that on the south and said he would like to know how this was determined.

Campbell noted that the *Acreage Development Report, Lincoln-Lancaster County, Nebraska* (see agenda packet) states that 66% of acreage permits were issued within the City's three mile jurisdiction. She said if the City decides to impose a moratorium on acreage development within that area, it will move further out into the County and will make it more difficult to deal with the transition between traditional agriculture and urbanization. Campbell suggested further discussion of the acreage issue by the County Board and City Council.

DeKalb said the Comprehensive Plan Committee has recommended that (1) acreage development within the City's three mile zoning jurisdiction only be allowed only in the areas zoned, shown or platted; (2) density is 16/32 dwelling units per square mile, with clustering allowed.

Workman said the County currently has a "20 acre rule" which sets the minimum lot size at 20 acres in the Agricultural (AG) zoning district and proposed that the density be changed to 40 acres for the entire county. He also proposed that the 75 acre allowance for a Community Unit Plans (CUP) be changed to 40 acres, which will allow 2 houses to be built, in an approved situation. Workman said this will "eliminate the march of the 20 acre lot across the County".

Hudkins said CUP's are expensive to put together and said this proposal may make it unaffordable.

Heier said farmers are in an economic crunch and many have tied up their retirements in their land. He said Workman's plan will force them to sell off 40 acres, rather than 20 acres. Heier suggested offering additional bonuses for clustered development. He also stated that he opposes the 20 acres because it is a poor use of land and does not see a purpose to increasing the lot size, other than to lower the density.

Hudkins said he favors a "flexible program" that will allow acreages on 3 to 3.5 acre parcels. He also urged uniformity throughout the County.

Workman said his proposal will allow for a three acres to be split off a 40 acre parcel, which will allow the remaining 37 acres to be farmed.

Stevens said he likes CUP's and could see enhancing the bonuses, if certain criteria is met. He said he also supports uniformity throughout the County.

Hudkins said he does not believe it is right to take the 20 acre density away from landowners, as they have depended on that for many years. He said he would also like to make it clear for the record that he has no land in Lancaster County that this discussion would apply to.

Campbell said the issue that is most difficult to solve involves those individuals that buy a piece of land out in the county and create problems in terms of infrastructure. She said Workman's proposal would force an individual to buy 40 acres, which would make purchasing a lot in Lincoln more economical. Campbell added that the key to getting the farmer to "divide by right" and still stay profitable is in the incentives.

DeKalb said the County Board does not control the split of land over 10 acres in subdivisions.

Campbell said it may be necessary to seek legislative relief.

## 2. Urban Expansive (Build-through)

Hudkins asked why the Planning Commission does not favor designing acreages for future build-through by the City.

DeKalb said the Planning Commission has recommended that a study be done to look at the concept and issues of build-through including cost, impact and alternatives to build-through.

DeKalb also distributed plat maps and overlays of the Colonial Acres Subdivision, South 56<sup>th</sup> Street and north of Pine Lake Road and Sunrise Estates Subdivision, North 84<sup>th</sup> Street and north of Southeast Community College (Exhibit A), to serve as tools when looking at how acreages fit with build-through.

### D. Review of Lincoln City-Lancaster County Comprehensive Plan Process

The Board reviewed *Comprehensive Plan: Open House and Public Hearing Schedule* (Exhibit B). Copies of *Lincoln and Lancaster County 2025 Comprehensive Plan, BLUEPRINT, Charting the course for Lincoln and Lancaster County, February 2002, 5 Edition* were also distributed (Exhibit C).

## 4 ADJOURNMENT

**MOTION:** Heier moved and Stevens seconded to adjourn the meeting at 11:37 a.m. Stevens, Campbell, Workman, Heier and Hudkins voted aye. Motion carried.

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Bruce Medcalf  
County Clerk